IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 1360 of 2007(J)

PETITIONER:

E.P.THAMAPAN, INTERNAL AUDITOR,
NEDIYANGA SERVICE CO-OPERATIVE BANK LTD.,
SREEKANDAPURAM, KANNUR (DT).

BY ADV. SRI.PROMY KAPRAKKATT
SRI. SUNIL NAIR PALAKKAT
SRI. ABHILASH N
SRI.BEENA P.K.

RESPONDENTS:

1. THE JOINT REGISTRAR (GENERAL),
CO-OPERATIVE DEPARTMENT, CIVIL STATION, KANNUR.

2. THE NEDIYANGA SERVICE CO-OPERATIVE
BANK LTD. L.L.84, REPRESENTED BY SECRETARY,
SREEKANDAPURAM BRANCH, SREEKANDAPURAM,
THALIPARAMBA, KANNUR DIST.

3. THE PRESIDENT,
NEDIYANGA SERVICE CO-OPERATIVE BANK LTD. L.L.84,
SREEKANDAPURAM BRANCH, SREEKANDAPURAM,
THALIPARAMBA, KANNUR DIST.

BY SENIOR GOVERNMENT PLEADER, SRI P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

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W.P.(C) No. 1360 of 2007 (J)

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Dated this the 16th day of January, 2007

J U D G M E N T

The writ petitioner was before this Court with W.P(C) No.27220/2006, challenging the attachment of salary. Through the judgment dated 01/12/2006, this Court directed the Joint Registrar (General), Co-operative Department, Kannur District, to hear the writ petitioner and take a fresh decision according to the law. The deduction of the salary, at the rate of Rs.8000/- per mensum, from the pay of the writ petitioner was also directed to be kept in abeyance, till a decision is taken by the Joint Registrar.

2. However, the writ petitioner is before this Court praying that the order of suspension, proposed to be taken, basing on a criminal case registered by the Vigilance Department, is to be quashed. The counsel argued that there is a mala fide intention with the respondents in proceeding against him, particularly, on the context that the other two persons, whose names were included, had been exonerated.

3. A criminal case had been registered and investigation is in progress. The suspension is proposed by the authorities in view of the pendency of the criminal case and the other matters. If the other two persons, connected with the writ petitioner had been excluded, or if there is any mala fide on the part of the authorities in registering the criminal case against the writ petitioner, it is for the latter to challenge the same before the appropriate forum. I find there is no reason to interfere with the steps initiated for the suspension of the writ petitioner, in view of the criminal case pending against him. I, therefore, find there is no need to pass any further orders in this writ petition.

The writ petition is accordingly, closed.

(J.M.JAMES)
Judge

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